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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,762	10/20/2003	Dario Bassi	14486	9584

293 7590 07/28/2005

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EXAMINER
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SUTTON, ANDREW W

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/687,762	<b>Applicant(s)</b> BASSI ET AL.	
	<b>Examiner</b> Andrew W. Sutton	<b>Art Unit</b> 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-5, 7-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/20/03</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

A submitted copy of EP 219437 was not given and the examiner was unable to locate one. The document was not considered. Submission of a copy is needed.

### ***Claim Objections***

Claim 1 is objected to for the use of the word centre. It should be changed to the American spelling of the word, center. Correction in the specification is also needed.

Claim 9 is objected to for the use of the word ametallic. The examiner to mean the same as nonmetallic interprets it and the following action will assume such. Correction is needed. Correction in the specification is also needed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dewispelaere (EP 930,385). Dewispelaere illustrates (Figs 1-5) a shed forming mechanism on a weaving loom of Jacquard type, comprising mobile hooks (h1 and h2), each displaced by a knife (b), between a position of top dead center, in or near which each hook may be immobilized by a selection device (S2), and a position of bottom

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dead center, each mobile hook comprising a body provided with a catch intended to come into abutment on said knife, wherein each hook further comprises a metal blade (h2) intended to interact with said selection device and fixed on said body with the possibility of relative clearance (shown in fig. 5 where h2 is pulled back by selection device S2) with respect to said body, in a zone of said body opposite said selection device with respect to a zone of said body from which said catch extends.

As to claim 6, Dewispelaere illustrates (Fig 5) the blade h2 includes a opening for engaging a catch of the selection device just above the magnet S2.

As to claim 15, Dewispelaere illustrates (Fig 5) selection device comprising an electromagnets (S1 and S2) molded in the box for separating and guiding the retaining hooks.

As to claim 16, Dewispelaere states in his title that the shedding device is for weaving machines.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dewispelaere (EP 930,385) in view of Bergmann. Dewispelaere discloses the invention substantially above. Dewispelaere does not disclose that the hook body where knife b

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lifts the hook is made of plastic. Bergmann illustrates (Fig. 1) a hook 1 with a synthetic resin mount 3. It would have been obvious to one of ordinary skill in the art to combine the teachings Dewispelaere and Bergmann to gain a lighter material, which would make the loom more efficient.

### ***Allowable Subject Matter***

Claims 3-5 and 7-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 3 states body is adapted to the point of adapting itself to a possible defect of relative position or of parallelism of the respective paths of said body and of the knife on which its catch is in abutment along with the limitations of claim 1 not shown in the prior art. Claim 4 states blade is adapted to exert on a mobile lever of the selection device an effort of abutment on an electromagnet for controlling pivoting of said lever along with the limitations of claim 1 not shown in the prior art. Claim 7 states blade comprises two sides adapted to slide in grooves in a box for receiving and guiding in translation said mobile hook, said body thus being positioned with respect to said box along with the limitations of claim 1 not shown in the prior art. Claim 9 states retaining device comprises at least one retaining lever, wherein said lever comprises a metal armature, adapted to interact with an electromagnet for controlling the position of said lever, and an amagnetic part forming element in relief adapted to cooperate with said

metal blade and fixed on said armature along with the limitations of claim 1 not shown in the prior art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Epis (EP 0,154,823), Palau (US 4,702,286), Bassi (US 5,839,481), and Froment (EP 823,501) show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AWS  
11 July 2005

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
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